



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael D. MACKLIN *et al.*  
Title: MYCOBACTERIUM TUBERCULOSIS  
IMMUNIZATION  
Appl. No.: 09/501,328  
Filing Date: 2/9/2000  
Examiner: Rodney P. Swartz  
Art Unit: 1645

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated August 10, 2004, finally rejecting Claims 7, 8, 10, 11, 15, 16, 18, 19, 21, 23, 25-30, 32, 33, 37-42, 44, 45, and 47-49.

☒ [ X ] Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ [ X ] Notice of Appeal Fee

☒ [ X ] To be paid as detailed below

☐ [ ] Not required (Fee paid in prior appeal)

02/11/2005 SDENB081 00000022 09501328

01 FC:1401 500.00 0P  
02 FC:1253 570.00 0P

The required fees are calculated below:

<input checked="" type="checkbox"/>		Notice of Appeal Fee	\$500.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:		\$1,020.00
<input checked="" type="checkbox"/>	Extension Already Obtained for second month:		\$450.00
	FEE TOTAL:		\$1,070.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$1,070.00

- ☒ A check in the amount of \$1,070.00 to cover the above fees is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date February 10, 2005

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By Richard C. Peet

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